

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DARRYL HAMILTON, SR. (Father) on the)	
behalf of the estate of DARRYL HAMILTON,)	
JR. (Son) (Deceased),)	
)	
Plaintiff,)	
)	
v.)	Case No. 16 C 9129
)	
RICHARD M. DALEY (Mayor & State's)	
Attorney), et al.,)	
)	
Defendants.)	

SUPPLEMENT TO MEMORANDUM OPINION AND ORDER

On September 29 this Court issued its sua sponte memorandum opinion and order (the "Opinion") that dismissed the Complaint and this action filed pro se by prisoner plaintiff Darryl Hamilton, Sr. ("Darryl Sr."). At the close of the Opinion this Court stated that its staff had been delegated the task of obtaining from Stateville Correctional Center ("Stateville," where Darryl Sr. is in custody) further information as to his trust fund account at Stateville to enable this Court to carry out its responsibilities under 28 U.S.C. § 1915 ("Section 1915"). Later that day this Court received from Stateville's fiscal officer a printout of Darryl Sr.'s further trust fund transactions through September 19, 2016 (the presumptive "mailbox rule" date).

This Court has accordingly calculated the average monthly deposits to the trust fund account for the six months ended on that date (see Section 1915(b)(1)(A)) and has calculated the monthly average as \$58.45, 20% of which (*id.*) comes to \$11.69. Accordingly Darryl Sr.'s In Forma Pauperis Application (Dkt. No. 3) is granted under the special terms that Section 1915 has made applicable to prisoner plaintiffs, Darryl Sr. is assessed that initial partial filing fee of

\$11.69 and the Stateville trust fund officer is ordered to collect that amount from Darryl Sr.'s trust fund account there and to pay it directly to the Clerk of Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604

Attention: Fiscal Department.

After such payment the trust fund officer at Stateville (or at any other correctional facility where Darryl Sr. may hereafter be confined) is authorized to collect monthly payments from his trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. Both the initial payment and all future payments must clearly identify Darryl Hamilton Sr.'s name and the 16 C 9129 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this order to the Stateville trust fund officer.



Milton I. Shadur
Senior United States District Judge

Date: September 30, 2016